

**REGULAR MEETING OF THE COUNCIL
CITY OF BIRMINGHAM, ALABAMA
PRE-COUNCIL MEETING – 9:00 A.M.**

August 10, 2021 – 9:30 A.M.

WEBSITE ADDRESS: www.birminghamal.gov

INVOCATION

PLEDGE OF ALLEGIANCE: Councilor John Hilliard

ROLL CALL

MINUTES NOT READY: May 4, 2021 – August 3, 2021

COMMUNICATIONS FROM THE MAYOR

CONSIDERATION OF CONSENT AGENDA

All items designated as “Consent” are routine and non-controversial and will be approved by one motion. No separate discussion of these items will be permitted unless a Councilmember, the Mayor or Citizen interested in a public hearing so requests, if so, such item(s) will revert to its normal place on the Agenda Order of Business. All matters of permanent operation (“P”) will be read. All other matters will be announced by reading the Item Number only. All Public Hearings will be announced.

CONSIDERATION OF ORDINANCES AND RESOLUTIONS FOR FINAL PASSAGE

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ITEM 1.

An Ordinance “TO FURTHER AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2020-00002**) to change zone district boundaries from B-5 Mixed Business District to “Q” C-2 Qualified General Commercial District in order for the property to be redeveloped into an automobile dealership and service center, filed by Ray Jones, representing the owner, ATLAS NC 1 SPE LLC, for the property located at 488 Palisades Boulevard and situated in the NE ¼ of Section 14, Township 18-S, Range 3-West, and the **hearing** of all interested parties. [**Second Reading**] (Submitted by Council President Parker, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee) **

(ph)

ITEM 2.

A Resolution relative to the application of 32nd Avenue Food Mart LLC for the transfer of an Off-Premise Beer and Wine License to be used at **32nd Avenue Food Mart**, 1720 – 32nd Avenue North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Williams, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

(ph)

ITEM 3.

A Resolution relative to the application of RSC Birmingham LLC for a Restaurant Retail Liquor License to be used at **The Ruby Sunshine Cafe**, 5243 Highway 280 West, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Williams, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

(ph)

ITEM 4.

A Resolution relative to the application of Slice LLC for a Special Events License 140 to be used at **Birmingham Artwalk**, September 10-11, 2021 on 20th Street North from 1st Avenue North to 3rd Avenue North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Williams, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)

- (ph) **ITEM 5.**
A Resolution relative to the application of Otto Realty LLC for a Special Events License 140 to be used at **Classic Jazz Block Party**, August 13, 2021, from 17th Street North to 18th Street North on 3rd Avenue North, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Williams, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)
- (ph) **ITEM 6.**
A Resolution relative to the application of Event Concessions, Inc. for a Special Events License 140 to be used at **Fiesta**, September 25, 2021 in Linn Park, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Williams, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)
- (ph) **ITEM 7.**
A Resolution relative to the application of IPUSH Magazine LLC for a Special Events License 140 to be used at **IPUSH Foodie & Music Festival**, September 5, 2021 on 19th Street Ensley between Avenue E and D, Birmingham, and the **hearing** of all interested parties. (Submitted by Councilor Williams, Chairman, Public Safety Committee) (No Recommendation by the Public Safety Committee)
- P **ITEM 8.**
An Ordinance to require logging operations to obtain a permit prior to clearing operations to protect the public health, safety and welfare and require repairs for damage to City streets, curbs or other City-owned property caused by the operation. **[Second Reading]** (Submitted and Recommended by Council President Parker) (Deferred from 7/27/21 to 8/10/21) **
- ITEM 9.**
A Resolution determining that the building or structure located at 4121 – 11th Avenue Wylam, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished. (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits) (Deferred from 7/27/21 to 8/10/21)

INTRODUCTION AND FIRST READING OF ORDINANCES AND RESOLUTIONS

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ITEM 10.

An Ordinance assenting to the annexation of territory contiguous to the corporate limits of the City of Birmingham pursuant to Sections 11-42-20 through 11-42-24 of the Code of Alabama (1975) so as to embrace and include within the corporate area of the City certain territory described in the petition of **Abbey-Greystone, LLC**, consisting of an approximately 10.96 acre tract of land located on Cahaba Valley Road in unincorporated Shelby County. **[First Reading]** (Submitted by the City Attorney) (Recommended by the Mayor, the Planning and Zoning Committee, the Administration Committee and the Director of Planning, Engineering and Permits) **

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ITEM 11.

An Ordinance approving and authorizing the Mayor to execute a Contract for Sale of Real Estate between the City of Birmingham and **Logan Rodgers, LLC**, under which Logan Rodgers will purchase certain vacant real estate located at 1226 22nd Street North, in Birmingham, for the assessed value of \$15,000.00. **[First Reading]** (Submitted by the City Attorney) (Recommended by the Director of Innovation and Economic Opportunity and the Budget and Finance Committee) **

CONSENT

ITEM 12.

A Resolution authorizing the Mayor to execute any and all documents necessary for the City to make application, receive and expend grant funding from **the U.S. Department of Justice (DOJ) Edward Byrne Memorial Justice Assistance Grant**, in the amount of \$353,899.00 and authorizing the Mayor to execute an Interlocal Agreement with **Jefferson County**, which Grant funds shall be used (\$303,483.00 to the City and \$50,416.00 to the Jefferson County Sheriff) for law enforcement and technology improvements, and with no matching funds due from the City. (Submitted by the City Attorney) (Recommended by the Mayor and the Budget and Finance Committee) **

CONSENT**ITEM 13.**

A Resolution authorizing the Mayor to execute and deliver an agreement with **the State of Alabama Ballet, Inc.** (hereinafter referred to as “The Alabama Ballet”) in an amount not to exceed \$25,000.00 to provide the following services within the City of Birmingham: offer world class, stunning and innovative performances to the residents of the community; server the community through outreach and music education programs that strive to expand the opportunity for youth to participate in the programs; provide outreach dance training to students age four (4) thru adult through the Alabama Ballet School; the school will provide outreach training thru scholarships and financial aid; provide free school matiness to students of local area schools; provide 2nd Tuesday programs which will allow access to view behind the scene glimpses of ballet productions; maintain and cultivate relationships with other art groups including the Alabama School of Fine Arts, Birmingham Museum of Art, Alabama Dance Council, Alabama State Council on the Arts and the Alabama Symphony Orchestra. The Alabama Ballet shall invoice the City for services performed and the City agrees to pay said services in two equal installments or as directed by the Mayor or the Director of Finance. **[G/L Account: 001_400_96700_96727.550-008 (\$25,000.00)]** (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT**ITEM 14.**

A Resolution authorizing the Mayor to expend funds and execute agreements for a picnic event at Railroad Park on August 21, 2021, or within thirty (30) days thereafter, to celebrate the 150th anniversary of the Birmingham Police Department, and authorizing the Mayor to execute such contracts as may be necessary for the use of facilities, catering and entertainment for the event in accordance with Birmingham General City Code Section 3-1-7, the total amount to be expended for the event not to equal or exceed a total of \$15,000.00. **[G/L Accounts: 031_202_39000_39004.527-050 (Event Center & Catering) and 031_202_39000_39001.523-006 (Food/Catering only)]** (Submitted and Recommended by the Mayor) **

CONSENT**ITEM 15.**

A Resolution authorizing the Mayor to execute and deliver an agreement with **HUB Worldwide, Inc.** in an amount not to exceed \$14,999.00, pursuant to §11-40-1, §11-47-130, *et seq.*, §22-3-11 and §38-2-9 Codes of Alabama, 1975, to provide the following goods and services for the City: HUB Worldwide, Inc. would like to help supply the City of Birmingham clinics and organizations with medical supplies and equipment to include everything from hospital beds to face masks to help them with their supply needs since most of them have had supply chain issues due to the COVID-19 pandemic. HUB Worldwide, Inc., also would expand its services to include other organizations in the City of Birmingham such as the Firehouse Shelter and similar organizations that could use these supplies. Said funds to come from District 5 Discretionary Funds. (Submitted by the City Council) (Recommended by the Mayor) **

CONSENT**ITEM 16.**

A Resolution authorizing the Mayor to execute and deliver an agreement with **Douglas Beasley D/B/A "Litter Squad"** in an amount not to exceed \$3,750.00, pursuant to §11-40-1, §11-47-130, *et seq.*, §22-3-11 and §38-2-9 Codes of Alabama, 1975, to provide the following goods and services for the City: The Litter Squad will assist neighborhoods within District 5 (Central City, College Hills, Crestwood North, Druid Hills, East Avondale, Eastlake, Five Points South, Forest Park/South Avondale, Fountain Heights, Gate City, Graymont, Oak Ridge Park, Smithfield, Southside, and Wahouma) in their Clean-Up Days and beautification projects within District 5 from August 1, 2021 through June 30, 2022. Any funds not used for the specific purpose stated above shall be returned to the City immediately or no less than thirty (30) days after the end of this Agreement. Said funds to come from District 5 Discretionary Funds. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT**ITEM 17.**

A Resolution authorizing the Mayor to execute and deliver an agreement with **Community on the Rise** in an amount not to exceed \$2,000.00, pursuant to §11-40-1 and §38-2-9 Codes of Alabama, 1975, to provide the following goods and services for the City: Community On the Rise will help persons experiencing homelessness in the City of Birmingham to obtain state identification and/or licenses and birth certificates. This service involves (but is not limited to) purchasing motor vehicle reports (MVRs) from the State of Alabama, updating the client's address to

Community On the Rise’s address to ensure the client receives the ID, and purchasing the ID from the Alabama Law Enforcement Agency (ALEA), Community On the Rise will seek to obtain birth certificates from any state necessary for clients experiencing homelessness. By offering the services, Community on the Rise can increase the likelihood that people experiencing homelessness in the City of Birmingham have the proper identification to apply for housing, obtain employment, file taxes, and open bank accounts. Proper government identification is required for all these services. Said funds to come from District 5 Discretionary Funds. (Submitted by the City Council) (Recommended by the Mayor) **

CONSENT

ITEM 18.

A Resolution authorizing the Mayor to execute and deliver an agreement with **Wyteria Huffman d/b/a Official Clutch Band** in an amount not to exceed \$2,500.00, pursuant to §11-40-1 et. seq., §11-47-16 and §11-47-19 Codes of Alabama, 1975, to provide the following goods or services to the City: The Official Clutch Band will provide the citizens of Birmingham with exhibits, information, cultural enrichment, and entertainment that promotes community service, public health and safety, and the general well-being of the residents of the City of Birmingham on November 5, 2021. Said funds to come from District 5 Discretionary Funds (\$750.00), District 6 Discretionary Funds (\$500.00), District 7 Discretionary Funds (\$500.00) and District 9 Discretionary Funds (\$750.00). (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT

ITEM 19.

A Resolution authorizing the Mayor to execute and deliver an agreement with **Space One Eleven, Inc.** in an amount not to exceed \$5,000.00, pursuant to §11-40-1 et. seq., §11-47-16 and §11-47-19 Codes of Alabama, 1975, to provide the following goods or services to the City: Space One Eleven, Inc. will provide art education programs that incorporate art history, technique, and conceptual workshops where professional Birmingham artists teach these classes to under-served children, youth, and citizens in the Birmingham. Said funds to come from District 5 Discretionary. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT

ITEM 20.

A Resolution authorizing the Mayor to expend funds in an amount not to exceed \$115.00, pursuant to §11-47-19, Code of Alabama, 1975, to purchase street signage toppers for the College Hills Neighborhood. Signs will be placed at 9th Ave West at 1st and 2nd Street, said funds to come from the College Hills Neighborhood Associations funds. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT

ITEM 21.

A Resolution authorizing the Mayor to expend funds in an amount not to exceed \$5,500.00, pursuant to §11-47-19, Code of Alabama, 1975, to purchase street signage for the Huffman Neighborhood. Signs will be throughout the Huffman Neighborhood, said funds to come from the Huffman Neighborhood Associations funds. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT

ITEM 22.

A Resolution pursuant to §11-47-19, Code of Alabama, 1975 authorizing the Mayor to expend funds in an amount not to exceed \$1,600.00, for the purchase of two (2) Trash Receptacles, said funds to come from the Woodlawn Neighborhood Association Funds. (Submitted by the City Attorney) (Recommended by the Mayor) **

CONSENT

ITEM 23.

A Resolution that pursuant to 11-40-1 Code of Alabama (1975), the City of Birmingham hereby accepts the unconditional donation of a K-9 police Dog named DAX from the Chilton County Sheriff's Department for use by the Birmingham Police Department. (Submitted by the City Attorney) (Recommended by the Mayor and the Chief of Police)

CONSENT

ITEM 24.

A Resolution confirming the appointment of five (5) regular members to **the Art Museum Board of the City of Birmingham**, said terms expiring August 31, 2026, one (1) regular member to fill the unexpired term of Houston Brown, said term expiring August 31, 2022 and one (1) annual member said term expiring August 31, 2022. (Submitted and Recommended by Council President Parker)

CONSENT

ITEM 25.

A Resolution fixing a Sales Tax Assessment in the amount of \$7,401.24, against Locked in LLC and William M. Kervaski, the person responsible for the collection and remittance of taxes, doing business as **Locked in LLC** for the period of September 2020 to April 2021. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 26.

A Resolution fixing a Sales Tax Assessment in the amount of \$13,175.64, against American Tactical Gun and Knifeworks LLC and Eric D. Bradford, the person responsible for the collection and remittance of taxes, doing business as **American Tactical Gun and Knifeworks LLC** for the periods of September 2017 to December 2017, January 2019 to August 2019, and October 2019 to April 2021. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 27.

A Resolution fixing a Sales Tax Assessment in the amount of \$13,192.16, against Russell Transmission Inc. and D. Harry Russell, the person responsible for the collection and remittance of taxes, doing business as **Russell Transmission** for the periods of December 2017, April 2018 to September 2018 and November 2018 to April 2021. (Submitted by the Mayor) (Recommended by the Director of Finance)

CONSENT

ITEM 28.

A Resolution amending Resolution No. 1209-21, adopted by the Council July 27, 2021, determining that the building or structure located at 957 Hillcrest Avenue, Birmingham, to be unsafe, a public nuisance, and directing that it be demolished, to change the address to **955 Hillcrest Avenue, Birmingham.** (Submitted by the Mayor) (Recommended by the Director of Planning, Engineering, and Permits)

CONSENT

ITEM 29.

A Resolution accepting and approving the bid award of **American Pipe & Supply Company**, Birmingham, for piping and plumbing supplies, PACA Cooperative Contract Bid Number 21-20 for a period of one (1) year for the various City departments. [**Appropriated for in FY 2021 - 2022 Budget**] (Submitted by the Mayor) (Recommended by the Purchasing Agent)

CONSENT

ITEM 30.

A Resolution accepting and approving the bid renewal of **HHH Sanitation, Inc.**, Birmingham, for portable toilet rental, as needed at the unit prices on file in the office of the Purchasing Agent, for a period of one (1) year, for various City departments, which will begin the 3rd year of the current bid. (Submitted by the Mayor) (Recommended by the Purchasing Agent) (Three Bids Submitted)

CONSENT

ITEM 31.

A Resolution accepting and approving the bid renewal of **Sansom Equipment Company, Inc.**, Birmingham, for Group One- Sweeper Parts-OEM and Group Two- Sewer Jetter Parts-OEM as needed at the unit prices on file in the office of the Purchasing Agent, for a period of one (1) year guaranteed with the option of renewal, contingent upon Council approval, for the Equipment Management Department, this being the lowest, most responsive bid submitted, and which will begin the 3rd year of the current bid. [G/L Account: **001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (Two Bids Submitted)

CONSENT

ITEM 32.

A Resolution accepting and approving the bid renewal of **Wholesale Transmission, Inc.**, Birmingham, for Automotive Automatic Transmission Repair (Groups 1 & 2) as needed at the unit prices on file in the office of the Purchasing Agent, for a period of one (1) year guaranteed with the option of renewal, contingent upon Council approval, for the Equipment Management Department, and which begins the 3rd year of the current bid. [G/L Account: **001.151-004**] (Submitted by the Mayor) (Recommended by the Purchasing Agent and the Director of Equipment Management) (Three Bids Submitted)

CONSENT

ITEM 33.

A Resolution approving the following **Expense Accounts:** (Submitted by the Mayor) (Recommended by the Director of Finance) **

Al-Juliana Gray, Committee Assistant, City Council, Piney Point, Maryland, \$1,075.13, July 09-14, 2021 to attend Congressional Black Caucus Institute Boot Camp.

Connie Horn, Records Management, City Council, Washington, District of Columbia, \$1,718.67, July 27-29, 2021 to attend World Games Meeting.

Jeffery McDaniels, Deputy Administrator, City Council, Atlanta, Georgia, \$844.65, June 30-July 02, 2021 to attend Meeting with NFL Officials Regarding Events at Legion Field.

Chaz Mitchell, Deputy Chief of Operations, Mayor’s Office, Washington, District of Columbia, \$1,099.21, July 27-July 29, 2021 to attend July 2022 The World Games

CONSENT

ITEM 34.

A Resolution approving the itemized expense accounts of city employees. (Submitted by the Mayor) (Recommended by the Director of Finance) **

CONSENT

ITEM 35.

A Resolution approving the advanced expense accounts of city employees. (Submitted by the Mayor) (Recommended by the Director of Finance) **

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ITEM 36.

A Resolution setting a public hearing **September 7, 2021** to consider the adoption of an Ordinance “TO AMEND THE ZONING DISTRICT MAP OF THE CITY OF BIRMINGHAM” (**Case No. ZAC2021-000012**) to change zone district boundaries from CB-1 Contingency Neighborhood Business District to “Q”C-2 Qualified General Commercial District, filed by Maged H. Alammari, for the property located at 4700 Richard Arrington Jr. Blvd N and situated in the NE¼ of Section 20, Township 17-S, Range 2-West, Birmingham. [**First Reading**] (Submitted by Council President Parker, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C.) (No Recommendation by the Planning and Zoning Committee) **

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ITEM 37.

A Resolution setting a public hearing **September 7, 2021** to consider the adoption of an Ordinance adopting amendments to Title 1, Chapter 7, Section 14 of the City of Birmingham Zoning Ordinance, Ordinance No. 15-133 as amended, filed by the Department of Planning, Engineering & Permits, **Case No. ZAC2021-00014. [First Reading]** (Submitted by Council President Parker, Chairman, Planning and Zoning Committee) (Recommended by the Z.A.C. and the Planning and Zoning Committee)**

OLD AND NEW BUSINESS

PRESENTATIONS

REQUEST FROM THE PUBLIC

ADJOURNMENT